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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,357	07/10/2001	Albrecht Freynhofer	146154.00000	3176

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EXAMINER
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LEYSON, JOSEPH S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 07/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/857,357

Applicant(s)

FREYNHOFFER ET AL.

Examiner

Joseph Leyson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 23 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. Applicant's election without traverse of Group I, claims 1-12, in Paper No. 10 filed 23 May 2003 is acknowledged.
2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).

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- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. Claim interpretation:

In claim 2, ", preferably terminating in a pointed tip" is understood only to be an example and is NOT a positive limitation of claim 2. However, note that Cloeren(-747) discloses a pointed tip 58.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the subject matter of claim 11.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 1 and 6 recite "type" which is indefinite as to its metes and bounds.

Claim 3 should be made dependent upon claim 2 to provide clear antecedent basis for "the tapered end" in claim 3.

Claim 5 should be made dependent upon claim 4 to provide clear antecedent basis for "the comb strip" in claim 5.

Claim 7 should be made dependent upon claim 6 to provide clear antecedent basis for "the coil-type heating/cooling cartridge" in claim 7.

Claim 10 recites "at least one thermopin according to one of Claims 1 to 9 is fixed to the die lip without any play" which is indefinite as to its metes and bounds. It is not clear what structural limitations or structural relationships relative to the thermopin are being included in claim 10.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a),

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the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloeren et al.(-984) in view of Djordjevic et al.(-587).

Cloeren et al.(-984) disclose a slot die 10 and method including a device for adjusting the gap 16 of the slot die 10 using thermopins 44, 56, 68 in which the thermopins are connected to a die lip 18 without any play and this play-free fixing of the thermopins to the die lip 18 is effected by means of a clamp socket 78, wherein the clamp socket 78 engages on the one hand in a lip nose which is integral with the die lip 18 and on the other hand with one of the thermopins (figs. 1-3), and means for engaging the clamp socket 78 with the thermopin including the clamp socket having a bore 74, and a fixing means defined by a threaded fastener 76 which is passed through the

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bore 74 to contact the thermopin 44, 56, 68. The lower end of the thermopin, which is in contact with the lip nose, tapers off (fig. 1). A comb strip 60 is attached to the die lip 18, and the thermopins are inserted between the individual teeth (fig. 3) of the comb strip 60 on fixing to the die lip 18. The comb strip 60 is a separate part which is reversibly fixed to the die lip 18 (figs. 1 and 3). The thermopin is surrounded by a coil heating/cooling cartridge. The coil heating/cooling cartridge warms the thermopin via an electric, spirally open wound heating coil 92. Cooling of the thermopin is effected by the inflow of a cooling medium into the free space 100 between the heating coil 92 and a jacket (figs. 1-3). The thermopin has, at the upper end remote from the die lip 18, an external thread via which it is connected to a horizontal retention strip 40, the retention strip 40 having a corresponding bore 42 with internal thread. The lip nose has slots 82, and the thermopins are located at intervals in the slots. However, Cloeren et al. (- 984) does not disclose means for engaging the clamp socket with the thermopin including the clamp socket engaging on the one hand in the lip nose and on the other hand in a groove of the thermopin, where the clamp socket has a bore, the thermopin has a bore and a fixing means is passed through the bores, or

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disclose the bore of the thermopin being provided between the tapered end and the groove of the thermopin.

Djordjevic et al.(-587) disclose a thermopin 12 which is connected to a die lip 6 without any play (col. 4, line 65, to col. 5, line 4) and this play-free fixing of the thermopin to the die lip 6 is effected by means of a clamp socket 29, wherein the clamp socket 29 engages on the one hand in a lip nose which is integral with the die lip 6 and on the other hand in a groove of the thermopin 12 (fig. 1), the clamp socket 29 having a wedge surface 31 engaging the groove of the thermopin, where the clamp socket 29 has a bore, the thermopin 12 has a bore and a fixing means 32 is passed through the bores.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the slot die of Cloeren et al.(-984) such that the means for engaging the clamp socket with the thermopin of includes the clamp socket engaging on the one hand in the lip nose and on the other hand in a groove of the thermopin, where the clamp socket has a bore, the thermopin has a bore and a fixing means is passed through the bores because such a modification would provide an art recognized alternative configuration for engaging a clamp socket with a thermopin in a play-free manner as disclosed by Djordjevic et al.(-587). As to the bore of the thermopin being



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provided between the tapered end and the groove of the thermopin, shifting the location of parts when the operation of the device is not otherwise modified is entirely obvious, In re Japikse, 86 USPQ 70.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cloeren(-747), Sanze et al.(-888) and Montalbano(-924) are cited as of interest.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Leyson whose telephone number is (703) 308-2647. The examiner can normally be reached on M-F(8:30-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*jl*

jl

June 28, 2003

*James Mackey*  
**JAMES P. MACKEY**  
**PRIMARY EXAMINER**

6/29/03